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OFFICE OF THE SECRETARY

Monday, October 15, 2001

Docket Management
Room PL-401
400 Seventh St., SW.
Washington, D.C. 20590

re: J.K. Technologies, Petition for Decision
Docket No. NHTSA-2001-10526 - 6

Dear National Highway Traffic Safety Administration,

This letter constitutes a response to the call for comment that your agency issued regarding the petition that J.K. Technologies of Baltimore, Maryland, (J.K.) has made on whether or not non-U.S. certified 1999 Ferrari F355 Passenger Cars are eligible for importation into the United States. After reviewing all the relevant information, I conclude that J.K. has satisfactorily met its burden under the two-prong test contained in 49 U.S.C. 30141(a)(1)(A). J.K. has met this two-prong test because 1999 Ferrari F355 Passenger Cars that it seeks to import are both 1) substantially similar to the vehicles that were originally manufactured for importation into and sale in the U.S. and were certified by their manufacturer as complying with the safety standards, and 2) capable of being readily altered to conform to applicable Federal motor vehicle safety standards. That these vehicles are both substantially similar to and can be readily altered to conform with the applicable Federal safety standards is of vital importance, because maintaining a high level of motor vehicle safety is, under 23 U.S.C. § 402, a major source of national concern.¹

¹ 23 U.S.C. § 402 states in part: "(a) Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries and property damage resulting therefrom... Such uniform guidelines shall include programs (1) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits, (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefit of motor vehicles equipped with airbags. 23 U.S.C. § 402.

1 As the supplementary information in your call for comment details, J.K. claims that the
2 non-U.S. certified 1999 Ferrari F355 Passenger Cars are **identical²** to their U.S. certified
3 counterparts in the following areas (identified here by their Standard Numbers): 102 transmission
4 shift lever sequence; 103 defrosting and defogging systems; 104 windshield wiping and washing
5 systems; 105 hydraulic brake systems; 106 brake hoses; 109 new pneumatic tires; 116 brake
6 fluid; 124 accelerator control systems; 201 occupant protection in interior impact; 202 head
7 restraints; 207 seating systems; 209 seat belt assemblies; 210 seat belt assembly anchorages; 212
8 windshield retention; 216 roof crush resistance; 301 fuel system integrity; and 302 flammability
9 of interior materials,³ and comports with the requirements set forth in 49 C.F.R. 581; the impact
10 resistance of vehicles that are involved in low speed front and rear collisions.
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14 Petitioner J.K. also claims that the following parts and/or areas of the non-U.S. certified
15 1999 Ferrari F355 Passenger Cars are **capable of or will be readily altered⁴** to meet Federal
16 safety regulations: substitution of the word "Brake" for the international ECE warning symbol on
17 the markings for the brake failure indicator lamp; replacement of the speedometer with one
18 calibrated in miles per hour; replacement of the entire instrument cluster with a U.S. model
19 component; replacement of the passenger side rearview mirror with a U.S. model component;
20 Standard No. 208 occupant crash protection which includes (a) installation of a seat belt warning
21 buzzer that is wired to the driver's seat belt latch, (b) inspection of all vehicles and replacement
22 of the driver's and passenger's side airbags, knee bolsters, control units, sensors, and seat belts
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28 ² Emphasis added.
³ This list is non-exhaustive.
⁴ Emphasis added

1 with U.S. model components on vehicles that are not already so equipped,⁵ and Standard No. 214
2 side impact protection, which entails inspection of the doors for door bars, and instillation if it is
3 deemed necessary.
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6 The reason that I cite many of the features of the non-U.S. certified 1999 Ferrari F355
7 Passenger Car that are either identical to or readily capable of being altered to conform with the
8 applicable federal standards is because the NHTSA cannot allow vehicles that are either unsafe
9 or that might pose a risk to others to travel on America's roadways. That the cars in contest here
10 are from Ferrari (albeit their passenger line) is important, for the company is one that produces
11 vehicles that are legendary for their speed and performance. Although I was unable to obtain
12 any precise information about the non-U.S. certified 1999 Ferrari F355 Passenger Car line, my
13 research has uncovered the following relevant information about Ferrari cars and those who
14 drive them in general.
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18 At the cars.com website, a chart reveals that of those who buy a Ferrari, approximately
19 89% of them are males. Of the males that buy a Ferrari, approximately 75% of them have earned
20 at least a college diploma. MSN's carpoint.com website states that although the U.S. certified
21 F355 line has been discontinued, the retail price for any Ferrari is quite high. While a 360
22 Modena, Ferrari's mid-engine sports car retails anywhere from \$143,270-\$169,835, its 456M GT
23 sells for between \$225,625-\$230,820. The consumerreview.com (Consumer Review) website
24 states that the product specifications for a Ferrari F355 are as follows, "The Ferrari F355 is
25 powered by a 3.5 liter, 375-hp DOHC V-8 coupled with a 6-speed manual transmission. Top
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⁵ The front outboard designated seating positions cited here have combination lap and shoulder belts that are self-tensioning and release by means of a single red push button.

1 speed is 177 miles per hour and it runs 0-60 in 4.6. ABS is standard.” The Consumer Review
2 website also contains a number of reviews that Ferrari owners gave their cars. Commenting on
3 his 1998 F355, “jamminclark, from L.A.” states that “I took this baby on the A5 Autobahn here
4 in Germany and had it over 300kmh, or about 185 mph, and it purred like a kitten... while this is
5 not quite as fast as a F355 [perhaps another model in the F355 line] it will still hit around 160
6 mph [,] so either way you can’t go wrong.” Speaking about his 1998 Ferrari F355 Spider,
7 “FerrariDude” stated that, “This baby holds the road like glue. Feel like taking a turn at 100?
8 Go right ahead. How are the brakes? This puppy can stop on a dime.” While “Stason,” from
9 Los Angeles, contended that in his Ferrari 355, “Overtaking traffic is not a chore, “Sam Scalia
10 from Montreal, Canada” asserted that his 1997 F355 berlinetta “has a very reliable feel. It gives
11 the driver great control.”
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15 The information cited above demonstrates several important things. First, the high (and
16 for the upper end Ferrari vehicles, astronomical) price of Ferrari vehicles in general ensures that
17 not only will there be relatively few of them on America’s highways, but that only those in the
18 upper income bracket will be able to afford them. In general, those in the upper income bracket
19 are, as the statistics suggest, those who have graduated college, are likely career professionals,
20 and almost certainly older, between the 30-65 age range. While a few teenagers and young
21 adults no doubt own Ferrari vehicles, the number is likely quite small. What should be of greater
22 concern to the NHTSA, however, is the fact that some non-racing model Ferrari cars can attain
23 speeds of at least 160-185 mph, and that some of their owners in the U.S., as the consumer
24 comments cited here show, have attained this speed on American roadways. While all of the
25 Ferrari reviews that I read give their Ferraris high praise for their handling, control and braking
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1 abilities, the maximum speed limit on most U.S. highways ranges from 55-75 mph. Although I
2 was unable to gain any precise information on the non-U.S. certified 1999 Ferrari F355
3 Passenger Car line, the NHTSA should examine J.K.'s assertions regarding its ability to modify
4 the steering, braking, air-bag, and other safety features to comport with federal safety standards
5 very seriously. As the line of the car in question, the F355 **Passenger Car**⁶ name suggests, this
6 is a car that, unlike its sports-car counterparts, is not one that is designed to reach racing-level
7 speeds. That does not mean, however, that the NHTSA should not require that the F355
8 Passenger Car should not adhere to the federal safety requirements that all U.S. certified cars
9 must meet.
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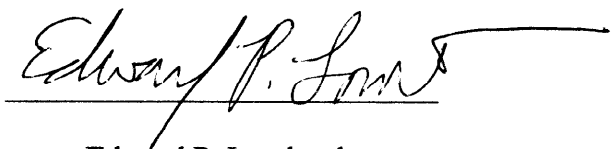
13 As NHTSA states in their 2000 Annual Assessment at nhtsa.com, car safety features are
14 of vital importance. In 2000 alone, approximately 41,821 people were killed in car related
15 accidents, and 3,189,000 people were injured. Of those killed in auto accidents in 2000, 20,862
16 were riding in passenger cars; 2,138,000 of those injured rode in passenger cars as well. In
17 crashes where the occupants wore safety belts, 72% of the passengers 4 years and older survived,
18 as compared with 43% of those who did not. Previous NHTSH research has demonstrated that
19 any driver or passenger who wears a safety belt cuts his or her risk of dying in a crash by 50%.
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23 That J.K. asserts that essential parts and safety features of the non-U.S. certified Ferrari
24 F355 Passenger Car, such as the braking systems, seatbelts, airbags, and side impact protection
25 to name but a few, are either identical or readily capable of being altered to meet current federal
26 safety restrictions, indicate that these cars do not pose any significant risk to American drivers
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28 ⁶ Emphasis added.

1 and/or passengers. While Ferrari cars in general are constructed for speed, their performance
2 appears to exceed that of many other brands. That Ferrari drivers are likely to come from an
3 older, more mature and better educated class of people also indicates that currently non-U.S.
4 certified Ferrari F355 Passenger Car line does not pose undue risk on the American people who
5 use its highways.
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8 For the reasons stated, I respectfully recommend that J.K. Technologies' petition that it
9 be allowed to import non-U.S. certified 1999 Ferrari F355 Passenger Cars into the United States
10 be granted.
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15 Edward P. Lombardo
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